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In re Application of	:	
Yamada et al.	:	
Application No.: 09/980,606	:	DECISION
PCT No.: PCT/JP01/02073	:	
Int. Filing Date: 15 March 2001	:	UNDER
Priority Date: 15 March 2000	:	
Attorney Docket No.: 45923/DBP	:	37 CFR 1.182
For: Optical Waveguide Modulator Equipped	:	
With An Output Light Monitor	:	

This is a decision on applicants' "Petition Under 37 CFR 1.1.82" and the "Petition For Withdrawal Of Abandonment" filed on 22 October 2003.

DISCUSSION

Petition For Withdrawal Of Abandonment

On 01 October 2003, a Notification of Abandonment (From PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with respect to the U.S. for failure to timely reply to the decision mailed on 29 March 2002. Petitioner requests that the holding of abandonment be withdrawn. In support of this request, petitioner has provided a copy of a return which itemizes a "Petition Under 37 CFR 1.182" and a "Joint Declaration of Tomomi Yanagimachi and Norikazu Miyazaki," and which is stamped "Rec'd PCT/PTO 29 MAY 2002." MPEP 503 states in part that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Pursuant to that practice, the copies of the papers itemized on the return postcard receipt are regarded as filed on 29 May 2002. Accordingly, the Notification of Abandonment is **VACATED**.

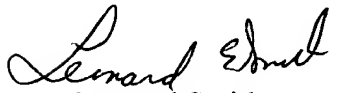
Petition Under 37 CFR 1.182

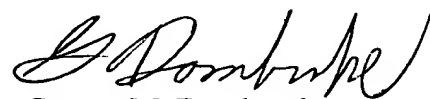
Petitioner renews the request to "recognize the name Norikazu Miyazaki, instead of Tokuichi Miyazaki, as the correct name of one of the three inventors." The petition is accompanied by a "Joint Declaration Of Tomomi Yanagimachi And Norikazu Miyazaki" which explains how the discrepancy arose from a transliteration error. Based on the totality of the present record, it would now be appropriate to grant the requested relief at this time.

CONCLUSION

The petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the National Stage Processing Branch for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is 15 November 2001.


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